

**REMARKS**

Claims 30, 32-36, 38-42, 44-50, 52, 53, 55-8, and 60 are pending. Claim 41 and 60 are presently amended. Claims 1-29, 31, 37, 43, 51, 54, and 59 have been cancelled. Claims 50 and 52-58 are withdrawn.

Support for the amendment to claim 41 can be found in the specification, for example, on page 2, lines 27-31, bridging paragraph, page 3, lines 1-6; page 6, lines 10-11; page 34, lines 15-17; and page 35, lines 11-14 and 26-29; and FIGS. 7 and 8.

Examination and reconsideration of the application, as amended, is requested.

### **§ 102 Rejections**

Claims 30, 32-34, 37-42, 44-46, and 59 stand rejected under 35 USC §102(e) as being anticipated by U.S. Pat. No. 7,179,429 (Maus).

The rejection of claims 30, 32-34, 37-42, 44-46, and 59 under 35 USC §102(e) as being anticipated by '429 (Maus) is unwarranted, and should be withdrawn.

Applicant in independent claim 30, claims a multilayer mat comprising:

an intumescent layer having opposite outer edges, opposite ends, a first major surface and a second major surface opposite the first major surface, said intumescent layer having an area A1;

a first non-intumescent layer facing the first major surface of said intumescent layer, said first non-intumescent layer comprising inorganic fibers and said first non-intumescent layer having opposite outer edges, opposite ends, and an area A2 that is greater than area A1, wherein said first non-intumescent layer has a major surface facing said intumescent layer with a first **trough in** said major surface, and wherein said intumescent layer is positioned in said first trough; and

a second non-intumescent layer facing the second major surface of said intumescent layer, said second non-intumescent layer comprising inorganic fibers and said second non-intumescent layer having opposite outer edges, opposite ends, and an area A3 that is greater than area A1,

wherein said intumescent layer is sandwiched between said first and second non-intumescent layers and positioned entirely within the area A2 of said first non-intumescent layer and the area A3 of said second non-intumescent layer, with at least one of the outer edges of said mat being free of intumescent material.

There is at least one difference between '429 (Maus) and Applicant's claim 30. For example, Applicant's claim 30 requires "said first non-intumescent layer has a major surface facing said intumescent layer with a first trough **in** said major surface, and wherein said intumescent layer is positioned in said first trough" (underlining and bolding added for emphasis). It is stated in the Office Action, in part, on page 2, with regard to Applicant's claim 30 and '429 (Maus), "wherein said non-intumescent layer has a major surface facing said intumescent layer with a first trough in said major surface (**Figure 2, numeral 8 – inner region**), and wherein said intumescent layer is positioned in said first trough (**Figure 2, numeral 5**)". Contrary to the understood assertion in the action that FIG. 2 of '429 (Maus) discloses in a (first) trough in the major surface of an intumescent layer, there is not a trough in such major surface. Further, the

Office Action does not provide an analysis, including an articulated reason and the underlying evidence, to properly show such a modification of '429 (Maus) would be obvious.

Claims 32-36, 38-40 depend directly or indirectly from claim 30. Claim 30 is patentable, for example for reasons given above. Therefore, claims 32-36, 38-40 should also be patentable.

Further, in independent claim 41, a pollution control device comprising:

- an outer housing having an interior major surface;

- a pollution control element; and

- a multilayer mounting mat positioned between said pollution control element and said outer housing, wherein the multilayer mounting mat has a major surface in contact with the internal major surface of the housing, and wherein the multilayer mat comprises:

- an intumescent layer having opposite outer edges, opposite ends, a first major surface and a second major surface opposite the first major surface, said intumescent layer having an area A1;

- a first non-intumescent layer facing the first major surface of said intumescent layer, said first non-intumescent layer comprising inorganic fibers and said first non-intumescent layer having opposite outer edges, opposite ends, and an area A2 that is greater than area A1; and

- a second non-intumescent layer facing the second major surface of said intumescent layer, said second non-intumescent layer comprising inorganic fibers and said second non-intumescent layer having opposite outer edges, opposite ends, and an area A3 that is greater than area A1,

- wherein said intumescent layer is sandwiched between said first and second non-intumescent layers and positioned entirely within the area A2 of said first non-intumescent layer and the area A3 of said second non-intumescent layer, with at least one of the outer edges of said mat being free of intumescent material,

wherein one of the first or second non-intumescent layers has a major surface, and wherein the major surface of the multilayer mat in contact with the internal major surface of the housing is the major surface of the first or second non-intumescent layer.

There is at least one difference between ‘429 (Maus) and Applicant’s claim 41. For example, Applicant’s *amended* claim 41 requires “the major surface of the multilayer mat **in contact with the internal major surface of the housing** is the major surface of one of the first or second **non-intumescent layer**” (underlining and bolding added for emphasis). It is stated in the Office Action, in part, on pages 5 and 6, with regard to Applicant’s claim 41 and ‘429 (Maus), “one of the first or second non-intumescent layers has a major surface in contact with the internal major surface of the housing (**Column 5, Lines 14-17 – i.e. the mat lay-out can be 6/8/5/6 with the intumescent layer (5) positioned inside the trough (8)**)”. It is submitted that the clarifying amendments presently made to claim 41 more clearly distinguish the invention from ‘429 (Maus). For example, it is understood that using a number of compensating layers 4 as taught in ‘429 (Maus) would not result in the major surface of the multilayer mat in contact with the internal major surface of the housing being the major surface of one of the first or second non-intumescent layer.

Further, referring to col. 5, lines 14-17 it is stated "It should be pointed out that a number of compensating layers 4 and/or alternatively, merely additional plies of the thermally insulating layer 6, which follow one another radially, can be provided to improve thermal insulation” (underlining added). FIG. 1 of ‘429 (Maus) shows that the insulating mat 6 is against the honeycomb element and swelling mat 5 is facing the casing. This is consistent with Summary of the Invention and claim 1 that includes stating the “swelling mat being disposed adjacent a side of said insulating mat facing away from said honeycomb element ...”. Therefore, it is submitted that the text at col. 5, lines 14-17 underlined above means that the first thermally insulating layer is against the honeycomb and any additional plies of thermally insulating layers following one another radially (i.e., are in contact with one another going outward radially from the honeycomb) would all be on the honeycomb side of the swelling mat, and therefore would not have the major surface of a multilayer mat in contact with the internal major surface of the housing being the major surface of one of the first or second non-intumescent layer.

Further, the Office Action does not provide an analysis, including an articulated reason and the underlying evidence, to properly show such a modification (i.e., “the major surface of the multilayer mat in contact with the internal major surface of the housing is the major surface of one of the first or second non-intumescent layer”) of ‘429 (Maus) would be obvious.

Claims 42, 44-46, and 59 depend directly or indirectly from claim 41. Claim 41 is patentable, for example for reasons given above. Therefore, claims 42, 44-46, and 59 should also be patentable.

In summary, the rejection of claims 30, 32-34, 37-42, 44-46, and 59 under 35 USC § 102(e) as being anticipated by '429 (Maus) has been overcome and should be withdrawn.

**Allowable Claims**

Claims 38 and 60 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Claim 38 depends directly from claim 30. Claim 30 is patentable, for example for reasons given above. Therefore, claim 38 should also be patentable.

Claim 60 has been rewritten in independent form including all the limitations of the base claim and any intervening claims.

In view of the above, it is submitted that the application is in condition for allowance.

Examination and reconsideration of the application, as amended, is requested.

Respectfully submitted,

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Date

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